

IDEM

Nonrule Policy Document

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Title: F006 Recycled Wastes: Allowing LQGs 180 (or 270) Days Accumulation

Identification Number: Waste-0044-NPD

Date Originally Effective: February 15, 2001

Dates Revised: None

Other Policies Repealed or Amended: None

Citations Affected: 329 IAC 3.1-7-1, 40 CFR 262.34(a) & (b)

Brief Description of Subject Matter: The March 8, 2000 Federal Register promulgated regulations to amend 40 CFR 262 to allow large quantity generators (LQGs) of recycled F006 waste up to 180 days (or 270 days, under certain circumstances) for on-site accumulation provided specific parameters are met.

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. This nonrule policy document may be put into effect by IDEM thirty days after presentation to the appropriate board and after it is made available to public inspection and comment, pursuant to IC 13-14-1-11.5. If the nonrule policy is presented to more than one board, it will be effective thirty days after presentation to the last. IDEM will submit the policy to the Indiana Register for publication. Revisions to the policy will follow the same procedure of presentation to the board and publication.

This policy is **an enforcement discretion policy** to allow compliance with the above federal regulation, in lieu of the state's requirements, during the interim period it takes the state to adopt the federal standard, thus **demonstrating IDEM's immediate support for a new federal rule to promote metals recovery from F006 wastes.**

Policy Statement

Background

Section 1003 of RCRA establishes a national objective of "minimizing the generation of hazardous waste and the land disposal of hazardous waste by encouraging process substitutions,

materials recovery, properly conducted recycling and reuse, and treatment.” In response to these provisions, EPA has endeavored to develop regulations that promote legitimate recycling of solid and hazardous waste while protecting human health and the environment against the development and use of unsafe or sham recycling practices.

In the March 8, 2000 Federal Register, EPA promulgated regulations to amend 40 CFR 262 to allow additional time to large quantity generators of F006 waste (wastewater treatment sludges from electroplating operations) for on-site accumulation if the waste is destined for recycling. In order to ensure that on-site accumulation is protective of human health and the environment, the management standards for the extended accumulation of F006 being recycled are the same as those that currently apply to 90-day on-site accumulation.

This final rule stems primarily from activities conducted under the EPA's Common Sense Initiative (CSI) for the metal finishing industry sector. These activities, including further work on F006 issues, are continuing as part of the Agency's Standing Committee on Sectors of the National Advisory Council for Environmental Policy and Technology (NACEPT). The goal of the CSI was to use multi-stakeholder consensus decision-making to recommend policy and program changes to the CSI Council and the EPA Administrator. As part of its work under CSI, the metal finishing subcommittee developed a set of ambitious voluntary performance goals to promote pollution prevention and environmental management beyond what is currently required for the industry under federal regulations (known as the Strategic Goals Program, SGP). The goals address resource utilization, hazardous emissions, economic paybacks, and compliance costs. Indiana is one of twenty-one states participating in the Strategic Goals Program. By encouraging metals recovery from hazardous wastewater treatment sludge, this new RCRA final rule will help the metal finishing industry meet voluntary waste-reduction goals as part of its SGP.

This rule allows a cost-saving opportunity for affected generators. The longer accumulation time will mean that generators can accumulate increased amounts of wastes and will be able to send larger shipments of the waste off-site for metals recovery less often. In the Regulatory Impact Analysis for this rulemaking, the EPA estimated that 72% to 89% of the 1,483 generators affected by this rule will take advantage of the flexibility provided. This rule also promotes resource conservation because metals recovered from the sludges may serve as alternative feedstocks for primary metals in production and manufacturing processes.

Policy:

This policy is an enforcement discretion policy to allow compliance with the EPA regulations promulgated on March 8, 2000 to amend 40 CFR 262 to allow large quantity generators to accumulate F006 waste (wastewater treatment sludges from electroplating operations) up to 180

days (or up to 270 days if transport to the metal recovery facility is 200 miles or more) on-site in tanks, containers or containment buildings without a RCRA permit or interim status, provided that the generator:

- (1) has implemented pollution prevention practices that reduce the amount of any hazardous substance, pollutant, or contaminant entering F006 or otherwise released into the environment prior to its recycling,
- (2) recycles the F006 waste by metals recovery,
- (3) accumulates no more than 20,000 kilograms of F006 waste at any one time, and
- (4) complies with the applicable management standards.

Facilities must verify that these four standards are being met when taking advantage of this additional accumulation time.

If you need additional information, or have any questions or concerns, please contact the staff of the Compliance and Response Branch, Office of Land Quality, at 317-308-3103. The IDEM toll-free telephone number is 1-800-451-6027.